



ORIGINAL

Federal Communications Commission
Washington, D.C. 20554

SEP 10 1998

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96-198

EX-100 (10-1-98)

IN REPLY REFER TO:
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SEP 14 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Daniel Patrick Moynihan
Member, United States Senate
405 Lexington Avenue
New York, New York 10174

Dear Senator Moynihan:

This is in response to your letter on behalf of your constituent, Sara Blair Wilson, regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

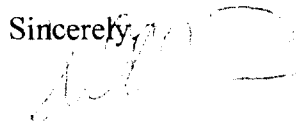
The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on

2

August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. The comments of your constituent will be included as an informal comment in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your constituent's input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. B. Phythyon", written over the word "Sincerely,".

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

DANIEL P. MOYNIHAN
NEW YORK

NEW YORK CITY OFFICE:
405 LEXINGTON AVE., 62ND FLOOR
NEW YORK, NY 10174-0200

United States Senate
WASHINGTON, DC 20510-3201

July 21, 1998

CC - Harris
5/6/99

Ms. Sherly J. Wilkerson
Director
Federal Communications Commission
Legislative and Intergovernmental Affairs
0700, 1919 M Street, N.W., Rm. 808
Washington, D.C. 20554

Dear Ms. Wilkerson:

The enclosed inquiry is from Ms. Wilson.

I would appreciate your careful consideration of these remarks, and your thoughts on what remedies there are for this situation.

Please send me your written response in duplicate along with the letter from my constituent to:

Senator Daniel P. Moynihan
United States Senate
405 Lexington Avenue
New York, NY 10174
-- ATTN: Ms. Sue Davis

Sincerely,

D. P. Moynihan
Daniel Patrick Moynihan

Enclosure

SARA BLAIR WILSON 40 BROWN DRIVE PEARL RIVER NY 10965

June 18, 1998

The Honorable Daniel Moynihan
United States Senate
Washington DC 20510

Regarding: FCC Notice of Proposed Rulemaking for
Section 255/Telecommunications Act of 1996

Dear Senator Moynihan:

Two days ago a service representative hung up on me when I told him I needed him to speak slowly because I have a hearing loss. This is not an isolated incident. When it happens I call back and ask to speak with a supervisor. Thanks to the ADA at least the supervisors have been given training on the rights of people with disabilities.

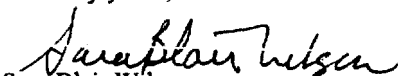
I have an adult onset sensory neuro hearing loss diagnosed as severe to profound. The Americans with Disabilities Act is making a big difference in my ability to live a full and independent life, but the FCC's Notice of Proposed Rulemaking for Section 255/Telecommunications Act of 1996 threatens to do away with the gains that were mandated under the ADA. Allowing manufacturers and suppliers of services to determine if an accessibility feature will "pay for itself" will undermine accessibility in our society.

Market forces work against people with hearing loss. Even now many hospitals, theaters and governmental bodies do not provide the access mandated under ADA. We who are hard of hearing are still in the position of being denied access because of inadequate equipment or knowledge. But the ADA, as originally conceived, gives us a means of leveling the playing field. The FCC proposes to do away with what we have gained.

I have great difficulty with the new technology in telephones. The automated voice response system acts as a barrier. I can not understand the options being offered and they go too fast for use through the relay system. In many instances these response systems are the only means of reaching the companies. Direct TTY connections could help me but many companies do not have them and when they do the people answering the TTY are often inadequately trained. Giving the right to deny access because it is not "cost effective" will provide the excuse to do away with all TTY access and sensitivity training for customer service representatives.

I ask you to intercede with William E Kennard, the Chairman of the FCC, on this most urgent matter of accessibility for people with hearing loss

Sincerely yours,


Sara Blair Wilson